IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1649 of 2007()

CRIME NO. 665 OF 2006 OF CHAVAKKAD POLICE STATION

PETITIONER/IST ACCUSED

FAROOQ, S/O.SHAHU, THEKKAN HOUSE,
COLONYPADI DESOM, KADAPURAM,
CHAVAKKAD TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1649 of 2007

DATED: 21-03-2007

O R D E R

Petitioner who is the first accused in Crime No. 665 of 2006 of Chavakkad Police Station for offences punishable under Sections 366 A, 511 of 376 and 377 I.P.C. and Sec. 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioner and the de facto complainant (belonging to the Scheduled Caste) and who is 16 years of age were in love. On 31-12-2006 as requested by the petitioner, the de facto complainant went to the tailoring shop where she was learning tailoring and finding that the shop was closed, the petitioner along with the other accused took her in an autorickshaw to a house from where an the offence punishable under Sec. 377 was committed against her by the petitioner, his companions and the owner of the house.

2. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the

petitioner to surrender before the Investigating Officer and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 27-3-2007 and 29-3-2007 for the purpose of custodial interrogation., potency test etc. Thereafter the petitioner shall be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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